



City of Seattle

Gregory J. Nickels, Mayor  
Department of Planning and Development  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003153  
**Applicant Name:** Bridget Smith  
**Address of Proposal:** 2344 28<sup>th</sup> Ave S



**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide a 12,003 square foot parcel into two parcels in an Environmentally Critical Area (ECA) – Geologic Hazard Area. Proposed Parcel “A” will contain 6,924 square feet of lot area and Proposed Parcel “B” will contain 5,079 square feet of lot area.

The following approvals are required:

**Short Subdivision** - to subdivide one existing parcel into two parcels.  
(Chapter 23.24, Seattle Municipal Code).

**SEPA Threshold Determination** (Chapter 25.05 SMC)

**SEPA DETERMINATION:**      ☐ Exempt   ☒ DNS   ☐ MDNS   ☐ EIS  
  
☐ DNS with conditions  
  
☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

\* ECA Limited Exemption granted on August 15, 2005

\*\* Early Notice DNS published October 27, 2005

## **BACKGROUND DATA**

### **Site Description**

The subject site is a rectangular shaped lot with 12,003 square feet of lot area. The site is located in a Single-Family Residential 5000 (SF 5000) zone and developed with an existing single-family home.

The subject site contains a mapped 40% steep slope near the easterly property line along the unimproved alley area. Another 40% steep slope is located on the southwest corner of the subject site. The applicant submitted an Environmental Critical Areas Exemption Request from steep sloped standards and was granted a limited exemption on August 15, 2005. DPD concluded that the slope along the easterly property line and southwesterly corner of the lot have a vertical elevation feet less than 20 feet and are not part of a larger slope system. These circumstances coupled with the analysis from the geotechnical report dated July 29, 2005 and associated addendum dated August 4, 2005 from Geospectrum Consultants, Inc. supported the determination to grant the exemption request with conditions of a landslide debris wall be constructed along the easterly portion of the site.

The subject site has street frontage and is accessed off of 28<sup>th</sup> Avenue which abuts to the west. 28<sup>th</sup> Avenue South is an asphalt roadway surface without curb, gutter, or sidewalk at the site frontage.

### **Surrounding Area Description**

The surrounding area is zoned primarily SF 5000 and developed with a variety of single-family homes. Further to the south and west across South Bayview Street and M. L. King Jr. Way, the zones allow more intensive residential and commercial uses, with a mix of Commercial 2 (C-2), Neighborhood Commercial (NC) and Lowrise 3 (L-3) zones.

### **Proposal**

The proposal is to subdivide one parcel of land into two parcels of land. The existing home will be located on Proposed Parcel "A" which will contain 6,853 square feet of lot area and Proposed Parcel "B" will contain 5,150 square feet of area. Due to the location of the existing home on the property, Proposed Parcel "B" will be configured as a flag lot with the easterly 40 feet divided off the site with no direct frontage along a street. Proposed Parcel "A" will have direct access to 28<sup>th</sup> Avenue South and access to proposed Parcel "B" will be through an easement which generally overlays the existing driveway that currently serves the site.

### **Public Comments**

The application was deemed to be complete on October 20, 2005 and notice of application was sent on October 27, 2005. The 14 day public comment period ended on November 9, 2005. No public comments were received through the public notice process.

City Departments and Government Agencies Comments

Information and documentation from each review agency is available in the DPD project file.

*a. Fire Department*

The Fire Department has approved the proposed subdivision under the provisions of the 2003 Seattle Fire Code, Section 503.1.1 Exception #3: "The fire code official is authorized to increase the dimension of 150' where: There are not more than two Group R-3 or Group U occupancies." This allowance is granted when the developer establishes an unobstructed fire land in the first 30 linear feet of the private driveway adjoining 28<sup>th</sup> Ave S. The developer shall designate this area by posting a sign and marking any curbed portions with red paint. The sign shall read: "Fire Lane – No Parking".

*b. Seattle City Light (SCL)*

SCL has approved the proposed subdivision with no conditions.

*c. Seattle Public Utilities Department (SPU)*

SPU issued Water Availability Certificate (WAC) #20051881 approving this project with requirements.

*d. Structural / Ordinance Review*

Structural/Ordinance has approved the proposed subdivision with no conditions.

*e. Geotechnical Engineer Review*

The Geotechnical Engineer requires the construction of a landslide debris wall be constructed down slope of the Steep Slope area on the east margin of the site at the building permit stage. Upon submittal of a building permit to DPD, a DPD geotechnical engineer will review the plans for compliance with all applicable regulations.

**ANALYSIS – SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat:

*1. Conformance to the applicable Land Use Code provisions;*

2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees.*

### Analysis

Based on information provided by the applicant, referral comments as appropriate from DPD, Fire Departments (SFD), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. Seattle City Light has reviewed the proposal and will not require an easement to provide for electrical facilities and service to the proposed parcels at this time. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions as set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The development site contains mapped Steep Slope Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09. The applicant sought and was granted an ECA limited exemption from Steep Slope Critical Areas. The Environmentally critical areas general and submittal standards, as well as the specific standards for Geologic Hazard Areas and other related development standards are still applicable. New construction on the parcels containing the Geological Hazard Areas will also be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and Policies pertaining to Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with City of Seattle Policies and Regulations for development in Environmentally Critical Areas. No trees are to be removed as a result of this short subdivision. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City. This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

### **DECISION - SHORT SUBDIVISION**

The proposed short plat is **CONDITIONALLY GRANTED.**

## **SEPA DETERMINATION**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Bridget Smith and submitted on October 20, 2005. The information in the checklist, a Geotechnical Report prepared by Geospectrum Consultants Inc., dated July 29, 2005, an addendum to the report dated August 4, 2005, comments, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant and reviewed the project plans and the additional information in the file and any comments which may have been received regarding this proposed action.

In this instance, the Seattle Municipal Code development regulations applicable to this proposed project will provide sufficient protection to the steep slopes and general public safety, hence no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

## **DECISION**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

## **CONDITIONS - SEPA**

None.

## **CONDITIONS - SHORT SUBDIVISION**

### **Prior to Recording**

The owner(s) and/or responsible party(s) shall:

1. Comply with all applicable standard recording requirements and instructions.
2. Remove the shed located in the southeast corner of the lot.
3. **INK THE FOLLOWING CONDITION OF APPROVAL** to the face of the short plat, or on a separate page if needed. If the conditions are on a separate page, insert on the plat:

*“For conditions of approval after recording, see Page \_\_\_\_ of \_\_\_\_.”* (If necessary, renumber the pages).

- a. On Proposed Parcel “A”, an unobstructed fire lane in the first 30 linear feet of the private driveway adjoining 28<sup>th</sup> Avenue South shall be required. The developer shall designate this area by posting a sign and marking any curbed portions with red paint. The sign shall read, “Fire Lane – No Parking”

### **After Recording and Prior to Issuance of future Building Permit**

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of the recorded short plat to all building permit plan sets.
2. Submit a standard drainage control plan for all initial building permits on proposed parcels.
3. A landslide debris wall shall be constructed down slope of the Steep Slope area on the east margin of the site at the building permit stage. Upon submittal of a building permit to DPD, a DPD geotechnical engineer will review the plans for compliance with all applicable regulations.
4. Provide an overhead/underground easement across Parcel “B” to serve Parcel “A” as required by Seattle City Light.

Signature: (signature on file) Date: February 9, 2006  
Mark Taylor, Land Use Planner  
Department of Planning and Development